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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/755,836	01/12/2004	Zachary Merlynn Loafman	AUS920030789US1	9840

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EXAMINER
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LEWIS, ALICIA M

ART UNIT	PAPER NUMBER
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2164

DATE MAILED: 06/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/755,836	<b>Applicant(s)</b> LOAFMAN ET AL.	
	<b>Examiner</b> Alicia M. Lewis	<b>Art Unit</b> 2164	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 12 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

  
**SAM RIMELL**  
**PRIMARY EXAMINER**

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. The information disclosure statement (IDS) submitted on January 12, 2004 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

### ***Specification***

2. The disclosure is objected to because of the following informalities: "filesystem" should be written as two words, i.e. file system.

Appropriate correction is required.

### ***Claim Objections***

3. Claim 2 is objected to because of the following informalities: the word "are" in line 2 of the claim should be "is". Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claim 18 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

6. Claim 18 recites the limitation "the eighth and ninth instructions" in line 2 of the claim. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claims 1-5, 8-13 and 16-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Widell et al. (US Patent Application Publication 2005/0055490 A1) ('Widell').

With respect to claims 1, 8 and 16, Widell teaches:

a processor (paragraphs 31 and 59);

a file system coupled to said processor (paragraphs 29 – 31); and

a set of instructions configured to run on said processor (paragraph 30), said set of instructions operable to:

change a first set of data for a first thread associated with a first file (paragraph 43 lines 4-6) of said file system (paragraphs 34, 36 and 39);

store said change for said first set of data (paragraphs 34, 36 and 39);

responsive to an operation error, retrieve said stored change for said first set of data (paragraphs 45 and 48); and

rollback said change to said first set of data to recover said first set of data for said first thread (paragraphs 45 and 48).

With respect to claims 2, 9 and 17, Widell teaches wherein said set of instructions is further operable to:

change a second set of data for a second thread (paragraph 30 lines 8-12), said second thread associated with a second file (paragraph 43 lines 4-6) of said file system (paragraphs 34, 36 and 39);

store said change for said second set of data (paragraphs 34, 36 and 39);

responsive to an operation error, retrieve said stored change for said second set of data (paragraphs 45 and 48); and

rollback said change to said second set of data to recover said second set of data for said second thread (paragraphs 45 and 48).

With respect to claims 3, 10 and 18, Widell teaches wherein the retrieve and rollback operations are responsive to a notification from said first thread (paragraph 45 lines 4-7, paragraph 48 lines 5-12).

With respect to claims 4, 11 and 19, Widell teaches wherein said operation error comprises a file system error (paragraphs 5 and 33).

With respect to claims 5, 12 and 20, Widell teaches wherein said operation error comprises a thread operation error (paragraphs 5 and 33).

With respect to claim 13, Widell teaches wherein said operation error comprises a multi-thread operation error (paragraphs 5 and 33).

***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 6, 7, 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Widell et al. (US Patent Application Publication 2005/0055490 A1) ('Widell') in view of Carter et al. (US Patent 5,987,506) ('Carter').

With respect to claims 6 and 14, Widell teaches claims 1 and 8.

Widell does not teach wherein said first file comprises an inode page.

Carter teaches remote access and geographically distributed computers in a globally addressable storage environment (see abstract), in which he teaches wherein said first file comprises an inode page (column 30 lines 59-61).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Widell by the teaching of Carter because wherein said first file comprises an inode page would enable Widell's mechanisms to be implemented on a computer network system, having adaptable system configurations for dynamically exploiting distributed network resources and improved fault tolerance (Carter, column 2 lines 55-67).

With respect to claims 7 and 15, Widell as modified teaches wherein said second file comprises a directory page (Carter, column 30 lines 60-61).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alicia M. Lewis whose telephone number is 571-272-5599. The examiner can normally be reached on Monday - Friday, 9 - 6:30, alternate Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Rones can be reached on 571-272-4085. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2164

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Alicia Lewis  
June 20, 2006



**SAM RIMELL**  
**PRIMARY EXAMINER**